

REMARKS

Claims 1-30 are pending. Applicants elect Group I (claims 1-25) with traverse for examination on the merits. Applicants reserve the right to prosecute nonelected subject matter in a further patent application.

An Abstract of the Disclosure is submitted herewith. No new matter is added because it is identical to the abstract of Int'l Patent Appln. No. PCT/GB00/03575.

The claim amendments are supported by the original disclosure and, thus, no new matter has been added. They correct typographical and grammatical errors, or other informalities.

Reconsideration of the restriction requirement is requested.

Traversal is based on the lack of a showing that examining claims of Groups I-II would constitute an undue burden. Although the inventions identified by the Examiner are separately patentable, both the need for compact prosecution and the public interest would be served by examination of all claims in a single application.

Initially, it is noted that no lack of unity was found during the International phase of examination. Claims 1-30 were the subject of both the Int'l Search Report and the Int'l Preliminary Examination Report.

Notwithstanding the above election, Applicants disagree with the Examiner's contention that claims 1-30 lack unity of invention, and hence fall into different groups of inventions. It was alleged in the Action that Grangette et al. (Immunol. Lett. 69:176, 1999) teaches the invention, but it is noted that such conclusion is premature because no such rejection of the claims has been made and Applicants have not had the opportunity to respond. Therefore, Applicants request that claims 1-30 be examined together in this application because they are so linked as to form a single general inventive concept under PCT Rule 13.1. With regard to the statement that the antigens listed in claim 7 are of disparate structure and immunogenic specificity, Applicants' invention is directed to a bacterium which may be used as a vaccine by expressing heterologous antigen intracellularly and/or on the surface of the bacterium. Such expression and the generic description in claim 1 shows that all of the heterologous antigens should be examined in this application. Claim 1 is considered to be a linking claim.

Upon an indication that the claimed vaccine or bacterium is allowable, Applicants submit that claims directed to their uses and methods of manufacture would have to be searched and examined. The delay in the search and examination of claims 26-30 would not result in compact prosecution and is not in the public interest. Furthermore, under the Commissioner's Notice of March 26, 1996 (1184 OG 86) implementing the Federal Circuit's decisions of *In re Ochiai*, 37 USPQ2d 1127 (1995) and *In re Brouwer*, 37 USPQ2d 1663 (1996), rejoinder of process claims is requested upon an indication that a product claim is allowable.

Applicants earnestly solicit an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

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